

REMARKS/ARGUMENTS

Applicant thanks the Examiner for his further review of the present application, and for his comments as provided in the instant Rejection. Applicant imposes on the Examiner to further consider the following remarks submitted in response to the Examiner's comments.

Moreover, in view that this application is now up for its third action, the Applicant is respectfully requesting review of the pendency of this application by the Examiner's supervisory Examiner, with a view to concluding prosecution (MPEP 707.02).

35 USC §103(a)

Applicant appreciates the Examiner's withdrawal of the previous grounds of rejections. Independent claim 1 is now newly rejected under §103(a) over the combination of Penn et al. (US 6,169,605) in view of newly cited Jang et al. (US 2002/0062909).

Applicant has reviewed in detail the Examiner's comments and explanation as provided in the text of the rejection, and respectfully submits that a *prima facie* case of obviousness has not in fact been properly established with regard to claim 1 and the claims dependent therefrom.

In the text of the §103(a) rejection, the Examiner admits that Penn does not disclose a system configured to simultaneously print at least two layers of different vertical positions within the stack (Office Action at page 3, 2nd last paragraph).

In the subsequent paragraph bridging pages 3 and 4 of the Office Action, the Examiner goes on to assert only that Penn [**sic**] (which Applicant reads as "Jang") discloses a 3D object creation system configured to print at least two layers of different vertical positions within the stack, and to reconfigure a printhead initially configured to print a layer at a first vertical position to print a layer at a second vertical position.

Applicant respectfully points out that the Examiner has not asserted how Jang makes up for the deficiency of Penn regarding simultaneously printing at least two layers of different vertical positions within the stack.

Having reviewed the disclosure of Jang, Applicant believes that Jang does not teach or suggest simultaneously printing at least two layers of different vertical positions within the stack. Applicant refers, for example, to Fig. 3 of Jang which illustrates a flow chart of the process used by Jang. According to the flow chart of Fig. 3, a physical layer is formed, consolidated, and treated (see tier labeled "Form physical layers"). Next, it is determined if the layer just formed was the last layer, and if not, the location of the next layer is determined (see tier labeled "Final unification"). Subsequently, the process is repeated from the start to form a further layer (as shown by arrows).

Applicant respectfully submits that Jang, in view of Fig. 3, clearly does not simultaneously print at least two layers of different vertical positions within the stack. In further view that Penn also does not teach or suggest such a feature, Applicant submits that a *prima facie* case of obviousness against claim 1 has not been established. A combination of Penn and Jang still

would not arrive at an invention in which at least two layers of different vertical positions within the stack are simultaneously printed.

For the above reason, claim 1 is novel and inventive over the combination of Penn and Jang. It follows that claims 2 to 8, 11, 12, and 17 to 22, all dependent from claim 1, are also novel and inventive by virtue of their dependency from claim 1.

The Examiner's favorable reconsideration of the application in light of the above amendments and remarks is earnestly sought. Applicant looks forward to word of further official communication in due course.

Very respectfully,

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